



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

September 30, 2019

William Walker
P.O. Box 295
Groveton, TX 75845

Re: FOIA Case No. NLRB-2019-001137

Dear Mr. Walker:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this Office on July 30, 2019, in which you seek "All grievances and charges concerning [yourself] in Marathon GBR and USW-13-1...from January 31, 2015 the start of the strike until July 30, 2019" in *Marathon GBR*, Case No. 16-CA-174370 and *Blanchard Refining Company, LLC*, Case No. 16-CA-180656. You agreed to assume fees for the processing of your request up to \$37.00 and requested expedited processing of your request.

We acknowledged your request on July 31, 2019. In an August 2, 2019 telephone conversation and follow up email with a member of my staff, you clarified the scope of your request to be seeking any position statements or exhibits submitted to the NLRB by the Union or the Employer in *Blanchard Refining Company LLC*, Case No. 16-CA-180656 and *Marathon GBR*, Case No. 16-CA-174370. We regret the delay in our final response.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. This search has yielded 730 pages of responsive, releasable records from the requested case files, which are attached. Redactions have been made to portions of these records to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C). Please note that portions of the records have markings labeled as "Redacted" that were there as submitted to the Agency; any redactions applied pursuant to the FOIA as part of this response contain overlay text with the applicable FOIA exemptions claimed.

Certain responsive records identified in the search, totaling 22 pages, are being withheld in their entirety pursuant to FOIA Exemption 4 (5 U.S.C. § 552(b)(4)). These withheld records contain commercial or financial information. The records, which include bargaining proposals and company policies and procedures, were voluntarily submitted to the Agency during the Region's investigation of the unfair labor practice charge. Because the submitter does not customarily release this information to the public and it is not available to the public from any other sources, the information is confidential for purposes of Exemption 4. See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879-880 (D.C. Cir. 1992).

For the purpose of assessing fees, we have placed you in Category D, the "all other requesters" category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to recover the reasonable direct costs for searching for the requested records, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Less than two hours of professional time was expended in searching for the requested material. Accordingly, there is no charge assessed for this request.

You may contact the Agency's FOIA Public Liaison, Patricia A. Weth, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Patricia A. Weth
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIApublicLiaison@nlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration

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8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (730 pages)